

Atty. Docket No. IBMII-05-053A  
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Remarks

Applicant and his representatives wish to thank Examiner Lastra for the thorough examination of the present application, the detailed explanations in the Office Action dated April 17, 2006, and the helpful and courteous discussion held with their representative on June 27, 2006. The claims have been amended as discussed. The following remarks shall further summarize and expand upon topics discussed.

Claims 1-30 have been cancelled in previous amendments. Applicants hereby amend page 7 of the amendment filed on February 7, 2006 to change the phrase "and 38-30" to "and 23-30," as required by the Examiner. New Claims 46-49 generally correspond to alternative embodiments as recited in Claims 32 and 39 as presented in the amendment filed on February 7, 2006, and as described on page 20, lines 23-24 of the present application as originally filed. Therefore, no new matter is introduced by the present amendments.

The present invention relates to methods, computer programs, and systems for providing personalized profile based advertising associated with a network of hub processing units coupled to a plurality of mobile information processing units over the network. The method (as set forth in amended Claim 31, above) generally includes the steps of (a) receiving location data and user profile data from at least one mobile information processing unit, (b) determining whether at least one item is present inside a sales location, the at least one item being identified within the user profile data, (c) generating a personalized advertisement comprising a map based upon the location data as well as the user profile data associated with the mobile information processing unit, wherein the map comprises directional information to an inner position within the sales location of the at least one item in response to the at least one item being present inside the sales location, and the map comprises an inner aisle layout of the sales location in response to the at least one item being not present within the sales location, and (d) forwarding the personalized advertisement to the mobile information processing unit for display.

The references cited against the originally-filed claims (*Ogasawara*, U.S. Pat. No. 6,123,259, *Kelly*, U.S. Pat. No. 6,498,987, and *Dowling*, U.S. Pat. No. 6,522,875) neither

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disclose nor suggest generating a map of an inner aisle layout of the sales location in response to at least one item being not present within the sales location, as recited in independent claims 31, 35, 38, and 42. Consequently, the present claims are patentable over the cited references.

The Rejection of Claims 31, 32, 35, 37, 38, 39, 42, and 43 under 35 U.S.C. § 102(e)

The rejection of Claims 31, 32, 35, 37, 38, 39, 42, and 43 under 35 U.S.C. § 102(e) as being anticipated by *Ogasawara* is respectfully traversed.

*Ogasawara* discloses a personal shopping system wherein a mobile terminal transmits shopping lists and customer preferences to a store computer, which displays a map from the customer's location to the nearest items on the customer's shopping list or a replenishment list. (see, e.g., Abstract, lines 13-16). *Ogasawara*'s system assumes that the customer's current location is a location associated with the last item scanned by the mobile terminal by a location indicia associated with the item in a store database (see, e.g., Abstract, lines 11-13).

*Ogasawara* is silent with respect to a hub processing unit receiving (as recited in independent Claims 31, 38, and 42) or requesting (as recited in independent Claim 35) location data from at least one mobile information processing unit. Instead *Ogasawara* teaches that the customer's "current location is assumed to be the store location assigned to the last item of merchandise which a customer has scanned into an electronic personal shopping system's mobile terminal" (see, e.g., col. 3, lines 58-61). Therefore, *Ogasawara*'s store computer makes assumptions about the user's location based on information received from a mobile terminal, but does not receive or request location information from a mobile information processing unit.

*Ogasawara* is also silent with respect to generating a personalized advertisement including a map of an inner aisle layout of the sales location in response to at least one item being not present within the sales location (as recited in independent Claims 31, 35, 38, and 42). *Ogasawara* discloses that a "map of the store may alternatively be displayed to the customer along with any required direction information to the targeted product" (see, e.g., col. 9, lines 38-42). However, *Ogasawara* does not teach or suggest any action to take in response to at least one

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item being not present within the sales location. Thus, *Ogasawara* fails to teach or suggest all of the limitations of independent Claims 31, 35, 38, and 42. Therefore, the rejection of independent Claims 31, 35, 38, and 42 and dependent Claims 32, 37, 39, and 43 under 35 U.S.C. § 102(e) as being anticipated by *Ogasawara* is improper, and should be withdrawn.

With respect to dependent Claims 32, 37, 39, and 43, *Ogasawara* is also silent with respect to at least one of the mobile information processing units comprising a mobile phone (e.g., a cellular phone). Instead, *Ogasawara* describes a dedicated mobile terminal that is part of an "electronic personal shopping system," and which "may be either hand-held or mounted on a shopping cart" (see, e.g., col. 2, lines 26-30). Thus, *Ogasawara* does not teach or suggest that at least one mobile information processing unit is a mobile phone. Therefore, dependent claims 32, 37, 39, and 43 are independently patentable over *Ogasawara*. Accordingly, the rejection of dependent Claims 32, 37, 39, and 43 under 35 U.S.C. § 102(e) as being anticipated by *Ogasawara* is improper, and should be withdrawn. Similarly, with respect to new defendant Claim 47, *Ogasawara* fails to teach or suggest that at least one of the mobile information processing units comprises a car computer system.

Furthermore, with respect to new defendant Claims 46 and 48-50, *Ogasawara* teaches that customer-specific data is "received either from the store central computer, [a] customer ID card, or both" (see, e.g., col. 2, lines 39-40). Thus, the mobile terminal as described by *Ogasawara* is a dedicated device at the store location, which can be personalized by reading a customer ID card or by retrieving data from the store computer when the customer accesses it. While *Ogasawara*'s mobile terminal is part of a "personal shopping system", the mobile terminal is not itself "personal" to the user of the system, because it is only personalized to the user while the user has custody of it for purposes of shopping in a store. A person skilled in the art will recognize that a personal digital assistant (PDA), as recited in defendant claims 46 and 48-50, is generally a genuine "personal" computing device (e.g., having personal calendar and/or contact organizing capabilities). Therefore, *Ogasawara* does not teach or suggest that the mobile terminal in the "personal shopping system" is a PDA, as the term is understood by those skilled

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in the art. Therefore, new defendant Claims 46 and 48-50 are independently patentable over *Ogasawara*.

The Rejection of Claims 33, 40, and 44 under 35 U.S.C. § 103(a)

The rejection of Claims 33, 40, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Ogasawara* in view of *Kelly* is respectfully traversed.

Each of the dependent Claims 33, 40, and 44 depends from an independent Claim that includes the limitations of a hub processing system receiving location data from at least one mobile information processing unit, and generating a personalized advertisement including a map of an inner aisle layout of the sales location in response to at least one item being not present within the sales location (as recited in independent Claims 31, 38, and 42). As shown with respect to independent Claims 31, 38, and 42, *Ogasawara* fails to teach or suggest either of these limitations.

*Kelly* relates to a system for generating weather reports that are computed automatically for a particular user's geographic location (see, e.g., col. 3, lines 52-55) where the user establishes an individualized user profile in which the user defines a particular location of interest (see, e.g., col. 3, lines 61-62). *Kelly* further describes generating personalized weather reports (see, e.g., col. 10, lines 10-20) and sending weather reports to a user's alphanumeric pager or cellular or other telephone (see, e.g. col. 5, lines 60-65). However, *Kelly* is silent with respect to a hub processing system receiving location data from at least one mobile information processing unit (as recited in independent Claims 31, 38, and 42). Instead, *Kelly* describes a user entering location data into a personal profile. Furthermore, *Kelly* is completely silent with respect to generating a personalized advertisement which includes a map of an inner aisle layout of the sales location in response to at least one item being not present within the sales location (also as recited in independent Claims 31, 38, and 42). Therefore, even assuming, *arguendo*, that a person skilled in the art at the time of the invention would find a suggestion or motivation in the prior art to combine the teachings of *Ogasawara* and *Kelly*, the combination does not teach or suggest all of the limitations of independent Claims 31, 38, and 42 or of dependent Claims 33,

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40, and 44. Accordingly, the rejection of dependent Claims 33, 40, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Ogasawara* in view of *Kelly* is improper, and should be withdrawn.

The Rejection of Claim 36 under 35 U.S.C. § 103(a)

The rejection of Claim 36 under 35 U.S.C. § 103(a) as being unpatentable over *Ogasawara* in view of *Dowling* is respectfully traversed.

*Dowling* relates to methods for enabling a mobile unit to receive location-based information from a network server, such as an internet web server (see, e.g., col. 4, lines 31-42). *Dowling* is completely silent with respect to the presence or absence of particular items within sales location. Thus, *Dowling* cannot cure the defects of *Ogasawara* with respect to generating a personalized advertisement which includes a map of an inner aisle layout of a sales location in response to at least one item being not present within the sales location (as recited in independent Claim 35). Therefore, even assuming, *arguendo*, that a person skilled in the art at the time of the invention would find a suggestion or motivation in the prior art to combine the teachings of *Ogasawara* and *Dowling*, the combination does not teach or suggest all of the limitations of independent Claim 35 or of dependent Claim 36. Accordingly, the rejection of dependent Claim 36 under 35 U.S.C. § 103(a) as being unpatentable over *Ogasawara* in view of *Dowling* is improper, and should be withdrawn.

The Rejection of Claims 31, 35, 38, and 42 under 35 U.S.C. § 112,  
Second Paragraph

The rejection of Claims 31, 35, 38, and 42 under 35 U.S.C. § 112, second paragraph, has been obviated by appropriate amendment.

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Conclusions

In view of the above amendments and remarks, all bases for objection and rejection are overcome, and the application is in condition for allowance. Early notice to that effect is earnestly requested.

If it is deemed helpful or beneficial to the efficient prosecution of the present application, the Examiner is invited to contact Applicant's undersigned representative by telephone.

Respectfully submitted,



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